

REMARKS

Claims 1 to 5 were rejected under 35 U.S.C. § 103 as unpatentable over Dufour in view of Puschenrat.

Withdrawal of the rejection is respectfully requested based on the following comments.

Claims 1 to 5

The present application has an effective U.S. filing date of May 17, 2000, the filing date of the parent application. The present application and parent application are assigned to Heidelberger Druckmaschinen AG, as indicated by the assignment recorded at Reel 010978/ Frame 0061.

Dufour is assigned to Heidelberger Druckmaschinen AG, as indicated on its face, and was issued on February 13, 2001. Dufour is prior art solely by virtue of 35 U.S.C. 102(e).

According to § 103(c):

[s]ubject matter developed by another person, which qualifies as prior art **only under one or more subsections (e), (f), and (g) of section 102 of this title**, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

It therefore is respectfully submitted that Dufour, as a 102(e) reference, is not prior art under 35 U.S.C. 103 since both the subject matter of Dufour and the claimed invention were, at the time the present invention was made, owned by Heidelberger Druckmaschinen AG. (See, MPEP 706.02).

Withdrawal of the 35 U.S.C. 103 rejection is respectfully requested.

131 Declaration

It is noted that foreign equivalents to Dufour exist, the earliest published one being European Patent Application No. EP 0 958 917 A1, cumulative to Dufour and published on November 24, 1999. A 37 C.F.R. 1.131 affidavit is submitted herewith to establish that the present invention was invented prior to November 24, 1999. See MPEP 715.

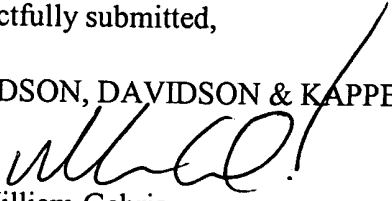
CONCLUSION

It is respectfully requested that the rejections of claims 1 to 5 be withdrawn and that the application is now in condition for allowance.

Respectfully submitted,

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